

SENATE BILL No. 48

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-6.

Synopsis: Child solicitation. Provides that the crime of child solicitation applies to the solicitation of children under 16 years of age, rather than children under 14 years of age.

Effective: July 1, 2004.

Drozda

November 21, 2003, read first time and referred to Committee on Judiciary.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 48

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-4-6, AS AMENDED BY P.L.118-2002,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 6. (a) As used in this section, "solicit" means to
4 command, authorize, urge, incite, request, or advise an individual:

- 5 (1) in person;
- 6 (2) by telephone;
- 7 (3) in writing;
- 8 (4) by using a computer network (as defined in IC 35-43-2-3(a));
- 9 (5) by advertisement of any kind; or
- 10 (6) by any other means;

11 to perform an act described in subsection (b).

12 (b) A person eighteen (18) years of age or older who knowingly or
13 intentionally solicits a child under ~~fourteen (14)~~ **sixteen (16)** years of
14 age, or an individual the person believes to be a child under ~~fourteen~~
15 ~~(14)~~ **sixteen (16)** years of age, to engage in:

- 16 (1) sexual intercourse;
- 17 (2) deviate sexual conduct; or



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1 (3) any fondling or touching intended to arouse or satisfy the
2 sexual desires of either the child or the older person;
3 commits child solicitation, a Class D felony. However, the offense is
4 a Class C felony if it is committed by using a computer network (as
5 defined in IC 35-43-2-3(a)).

6 (c) In a prosecution under this section, including a prosecution for
7 attempted solicitation, the state is not required to prove that the person
8 solicited the child to engage in an act described in subsection (b) at
9 some immediate time.

10 SECTION 2. [EFFECTIVE JULY 1, 2004] **IC 35-42-4-6, as**
11 **amended by this act, applies to offenses committed after June 30,**
12 **2004.**

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